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Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 DODE-00 CIAE-00
INRE-00 ACDE-00 DOEE-00 /026 W
----------074014 151403Z /43
O 151337Z JUN 78
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 0878
INFO AMEMBASSY LONDON PRIORITY
AMEMBASSY MOSCOW PRIORITY

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PASS TO DOE

E.O. 11652:XGDS-3
TAGS: PARM US UK UR
SUBJECT: CTB NEGOTIATIONS: REQUEST FOR BACKSTOPPING ON
LANGUAGE OF MULTILATERAL TREATY PERTAINING TO REVIEW
CONFERENCE

CTB MESSAGE NO. 243

1. SUMMARY. THE DELEGATION REQUESTS AUTHORIZATION TO JOIN WITH UK IN INTRODUCING,ON AD REFERENDUM BASIS,SUGGESTED LANGUAGE FOR THE MULTILATERAL TREATY CALLING FOR A REVIEW CONFERENCE DURING THE TREATY'S FIFTH YEAR, AND ASKS THAT CTB BACKSTOPPING COMMITTEE PROMPTLY CONSIDER THIS REQUEST. THE LANGUAGE DEVELOPED BY THE DELEGATION AND COORDINATED WITH THE BRITISH DELEGATION, WHICH IS SET FORTH IN PARAGRAPH 4 BELOW, WOULD ACHIEVE US POLICY OBJECTIVES, WHILE REDUCING RISK THAT NNWS WILL TRY TO CHANGE THE TREATY DRAFT TO OUR DISADVANTAGE IN THE CCD OR GENERAL ASSEMBLY AND ELIMINATING POSSIBILITY THAT A REVIEW CONFERENCE COULD ACT CONTRARY TO US DESIRES. END
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SUMMARY.

2. SOVIET REACTION SO FAR TO THE NEW US PROPOSAL ON DURATION HAS BEEN GENERALLY FAVORABLE. THE SOVIETS ARE ANXIOUS TO SEE A PROPOSED TEXT ON DURATION AND REVIEW CONFERENCE, AND THE BRITISH HAVE BEEN PRESSING US TO WORK CLOSELY WITH THEM IN THE DEVELOPMENT OF APPROPRIATE

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TREATY TEXT. THERE IS, IN ADDITION, A TACTICAL ADVANTAGE IN NEGOTIATING THIS TEXT AS THE NEXT PIECE OF BUSINESS FOR THE POLITICAL WORKING GROUP. IN VIEW OF THE CONTINUING SAFEGUARDS STUDY IN WASHINGTON, WE ARE DEFERRING CONSIDERATION OF ARTICLE I OF THE TREATY (THE BASIC PROHIBITIONS). ALSO, COMMENTS FROM THE SOVIET DELEGATION INDICATE THAT WE WILL BE BETTER ABLE TO NEGOTIATE A PNE PROTOCOL THAT IS TO OUR LIKING IF WE HOLD THAT ISSUE UNTIL LATER IN THE NEGOTIATIONS. IT IS THEREFORE DESIRABLE TO WORK NEXT ON THE REMAINING POLITICAL AND LEGAL ISSUES, SUCH AS ENTRY INTO FORCE, DURATION, WITHDRAWAL, AND THE REVIEW CONFERENCE. THESE CLAUSES SHOULD BE TAKEN UP AS A GROUP, BUT BEFORE WE DID THIS, WE THOUGHT IT DESIRABLE TO CONSULT WITH WASHINGTON ON DURATION AND REVIEW. (THE OTHER TWO ISSUES INVOLVE STANDARD CLAUSES THAT PRESENT NO SPECIAL DIFFICULTY, AND WILL PROBABLY REQUIRE LITTLE TIME TO NEGOTIATE.)

3. IN VIEW OF THE RECENT PRESIDENTIAL DIRECTIVE, WE REQUEST AUTHORIZATION TO INTRODUCE ON AN AD REFERENDUM BASIS SUGGESTED LANGUAGE FOR THE CLAUSES ON DURATION AND THE REVIEW CONFERENCE. WE BELIEVE IT DESIRABLE TO PROPOSE LANGUAGE, IMPLEMENTING THE PRESIDENTIAL GUIDANCE, WHICH WOULD HELP INSULATE THE US FROM NNWS PRESSURES REGARDING FUTURE PROHIBITIONS. WE HAVE TO WALK A FINE LINE HERE, BETWEEN TREATY LANGUAGE THAT TOO FREELY ASSUMES THAT

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REVIEW CONFERENCE WILL REPLACE THE TREATY LANGUAGEANDTHAT TOO EXPRESSLY LIMITS THE POWER OF THE REVIEW CONFERENCE. THE LATTER TYPE OF CLAUSE COULD LEAD NNWS AT THE CCD OR UN GENERAL ASSEMBLY TO PUT GREAT PRESSURE ON THE US TO AGREE TO A REVISION OF THE DRAFT CTB TREATY THAT IS CONTRARY TO OUR POLICY, E.G., CALLING EXPRESSLY FOR TREATY EXTENSION. LANGUAGE THAT WE BELIEVE ACHIEVES THESE OBJECTIVES IS SET FORTH IN THE NEXT PARAGRAPH WITH BRITISH DELEGATION VIEWS AND ANALYSIS FOLLOWING.

4. BEGIN TEXT: 1. THIS TREATY SHALL REMAIN IN FORCE FOR FIVE YEARS. 2. FOUR YEARS AFTER THE ENTRY INTO FORCE OF THIS TREATY, THE DEPOSITARY SHALL CONVENE A CONFERENCE OF THE PARTIES TO REVIEW ITS OPERATION AND TO CONSIDER THE QUESTION OF WHETHER THERE SHOULD BE FUTURE PROHIBITIONS ON NUCLEAR TESTING. ANY DECISION ON THIS QUESTION SHALL BE MADE BY A MAJORITY OF THE PARTIES INCLUDING ALL OF THE PARTIES WHO ARE PERMANENT MEMBERS OF THE SECURITY COUNCIL OF THE UNITED NATIONS. END TEXT.

5. THE BRITISH DELEGATION GAVE US THE FOLLOWING TEXT WHICH IT PREPARED. BEGIN TEXT: 1. THIS TREATY SHALL

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REMAIN IN FORCE FOR A PERIOD OF FIVE YEARS. 2. (A) FOUR
YEARS AFTER THE ENTRY INTO FORCE OF THE TREATY, A CONFER-
ENCE OF PARTIES TO THE TREATY SHALL BE HELD IN ....
(B) THE CONFERENCE SHALL REVIEWTHE OPEATION OF THE TREATY
AND SHALL DECIDE WHETHER ANY TREATY ARRANGEMENTS SHOULD
FOLLOW THE PERIOD OF FIVE YEARS. ANY SUCH DECISION SHALL
BE TAKEN BY A MAJORITY OF THE PARTIES TO THE TREATY,
WHICH MAJORITY SHALL INCLUDE ALL PERMANENT MEMBERS OF THE
SECURITY COUNCIL OF THE UNITED NATIONS WHO ARE PARTIES TO

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TO SECSTATE WASHDC IMMEDIATE 0879
INFO AMEMBASSY LONDON PRIORITY
AMEMBASSY MOSCOW PRIORITY

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THE TREATY. END TEXT.

6. IN A US-UK MEETING ON JUNE 14, AMB EDMONDS (UK)
EXPLAINED THAT THE BRITISH DELEGATION DRAFT HAD THE
VIRTUE OF IMPLYING THE POSSIBILITY OF EXTENSION OF THE
TREATY. NEIDLE (US) REVIEWED OUR INSTRUCTIONS AND SAID
THAT WE COULD NOT PROPOSE A TREATY CLAUSE WHICH COULD BE
TAKEN AS SUGGESTING THE POSSIBILITY OF EXTENSION. HE
MADE IT CLEAR THAT ANY FUTURE PROHIBITIONS WOULD HAVE TO
BE RATIFIED BY THE US SENATE.

7. THE LANGUAGE DEVELOPED IN THE US DELEGATION, WE BELIEVE,
WOULD BETTER IMPLEMENT THE PRESIDENT'S DECISION THAN
WOULD THE LANGUAGE DEVELOPED IN THE BRITISH DELEGATION.
WE THINK WE SHOULD STAY AWAY FROM A WORD LIKE "FOLLOW"
WHICH COULD HAVE A FLAVOR OF IMMEDIATE CONTINUATION WHICH
OUR FORMULATION AVOIDS. WE ALSO HAVE A PREFERENCE FOR
NOT USING THE WORD "PERIOD" SINCE IT WOULD MORE READILY

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BRING TOMIND THE IDEA OF PERIODIC EXTENSIONS. OUR
LANGUAGE LEAVES ENTIRELY OPEN THE QUESTION OF THE TIMING
OF ANY FUTURE PROHIBITIONS, SO THAT A REPLACEMENT TREATY
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COULD, IF NEED BE, FOLLOW A PERIOD OF TESTING FOR STOCK-
PILE RELIABILITY, OR, IF THE US SO DESIRED AND THE
NECESSARY STEPS INCLUDING RATIFICATION WERE COMPLETED
IN TIME, IT COULD GO INTO EFFECT WITHOUT SIGNIFICANT
DELAY.

8. NEITHER TEXT USES THE PHRASE, CONTAINED IN THE PRESI-
DENTIAL DECISION (PD) THAT THE REVIEW CONFERENCE WILL
DECIDE "WHETHER TO NEGOTIATE A REPLACEMENT TREATY." WE
TAKE THE PD TO REPRESENT A POLICY DIRECTIVE RATHER THAN
ACTUAL TREATY TEXT, AND WE BELIEVE THAT THE TEXT IN PARA-
GRAPH 4 WOULD EFFECTIVELY IMPLEMENT THE US POLICY. IF
WE USED THE ACTUAL PHRASE FROM THE PD, A MAJORITY OF
PARTIES AT THE REVIEW CONFERENCE MIGHT WELL NOT ONLY
WANT TO DECIDE THAT A REPLACEMENT TREATY SHOULD BE
NEGOTIATED, BUT ALSO THAT THE "REPLACEMENT TREATY" BE
MERELY A CARBON COPY OF THE ORIGINAL, MAKING IT MORE
DIFFICULT FOR THE US TO OBTAIN ANY CHANGES IT WANTED.
THE MORE OPEN-ENDED PHRASING SUGGESTED ABOVE SEEMS PREFER-
ABLE. AS AN ADDITIONAL PROTECTION AGAINST A MAJORITY OF
PARTIES TRYING TO ACT CONTRARY TO US DESIRES, WE BELIEVE
IT NECESSARY TO INCLUDE A SENTENCE LIKE THE LAST SENTENCE
OF BOTH OUR DRAFT AND THE BRITISH DEL DRAFT, GIVING US A
VETO ON THE ACTION OF THE REVIEW CONFERENCE.

9. THE DRAFT DEVELOPED IN THE DELEGATION HAS THE FURTHER
ADVANTAGE OF HAVING A NATURAL AND REASONABLE SOUND; I.E.,
IT WILL LOOK QUITE STRAIGHTFORWARD FOR THE REVIEW
CONFERENCE TO REVIEW THE TREATY'S OPERATION AND "TO
CONSIDER THE QUESTION OF WHETHER THERE SHOULD BE FUTURE
PROHIBITIONS ON NUCLEAR TESTING". THE SIMPLICITY OF THIS
FORMULA SHOULD MAKE IT LESS VULNERABLE TO EFFORTS BY
NON-NUCLEAR COUNTRIES, EITHER AT THE CCD, OR IF NOT AT THE
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CCD AT THE UNGA, TO INTRODUCE AMENDMENTS WHICH WOULD SEEM
QUITE REASONABLE TO A GREAT MANY COUNTRIES
BUT NOT ACCORD WITH US DESIRES (E.G., A FORMULAGIVING
THE CONFERENCE THE POWER TO "EXTEND" THE TREATY). WHILE
THE US WOULD BE PREPARED TO TRY TO FIGHT OFF ANY SUCH
EFFORTS, IT WOULD OBVIOUSLY BE PREFERABLE TO HAVE A CLAUSE

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WHICH, WHILE MEETING US POLICY NEEDS, WAS LESS LIKELY TO
GIVE RISE TO THIS SITUATION.

10. BOTH OUR TEXT AND THE UK DEL'S TEXT PROVIDE FOR THE
REVIEW CONFERENCE TO BECONVENED AFTER THE TREATY HAS
BEEN IN FORCE FOR FOUR YEARS. THIS WOULD HELP TO PROVIDE
THE SENATE WITH ADEQUATE TIME TO CONSIDER ANY FUTURE
PROHIBITIONS.

11. WE HAVE CONSIDERED ADDING THE PHRASE "REPLACING THIS
TREATY" AFTER THE PHRASE "WHETHER THERE SHOULD BE FUTURE
PROHIBITIONS ON NUCLEAR TESTING". INCLUDING THIS PHRASE
WOULD BRING THE DRAFT CLOSER TO THE ACTUAL WORDS OF THE
PD, BUT THE BRITISH HAVE STRONG FEELINGS AGAINST USING
THE WORDS "REPLACEMENT" OR "REPLACING", AND USING IT MAY
SUGGEST TO SOME A PRESUMPTION THAT THE EASIEST AND MOST
NATURAL "REPLACEMENT" AT THE END OF FIVE YEARS IS AN
EXACT COPY. IT WOULD THEREFORE SEEM SAFER NOT TO USE
A PHRASE CONTAINING THE WORD REPLACING.

12. WE HAVE NOW DISCUSSED BOTH TEXTS WITH THE BRITISH
AND BELIEVE THEY WILL SUPPORT OUR VIEWS. THEY HAVE ALSO
ASKED THAT WE PERMIT THEM TO INTRODUCE WHATEVER LANGUAGE
IS AGREED BILATERALLY ON BEHALF OF THE TWO DELEGATIONS.
IF THE BACKSTOPPING COMMITTEE AGREES THAT OUR TEXT
SHOULD BE INTRODUCED, WE WOULD LIKE TO BE SO INFORMED
ASAP AND, IF POSSIBLE, NO LATER THAN EARLY NEXT WEEK;
OF COURSE, APPROVAL BY THE COMMITTEE WILL EXTEND ONLY TO

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INFO AMEMBASSY LONDON PRIORITY
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INTRODUCING THE CLAUSE AS A DELEGATION DRAFT, AND THE
ENTIRE TREATY DRAFT,INCLUDING THIS CLAUSE, WILL CONTINUE
TO BE AD REFERENDUM TO GOVERNMENTS. JOHNSON

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Message Attributes

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SAS ID: 2342863
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TAGS: PARM, US, UK, UR
To: STATE
Type: TE
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